

REMARKS

Claims 1-64 are cancelled. Claims 65-77 are pending. Claims 65-77 stand rejected on various grounds which will be addressed in turn as they appear in the rejections in the Office Action dated June 15, 2005.

Claims 65-77 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable under claims 90-106 and 109-120 of copending Application No. 10/986129. This co-pending application is directed to a flow of *molten* polyester polymer through a pipe and then allowing the polyester polymer to crystallize while in the pipe. Nothing in the claims would have suggested or rendered obvious to those of ordinary skill in the art to introduce a flow of *solid* polyester polymers in a pipe and thereafter crystallizing the polymer while in the pipe. Moreover, contrary to what was asserted in the rejection, polyester polymers are not inherently molten when they reside above their T_g . The T_g of the polymer is its glass transition temperature or a temperature close to its softening point, but is not yet molten as defined in either of the applications.

For example, the specification of the co-pending application, serial number 10/986,129, defines the molten polyester polymer as a polyester polymer having obtained a temperature of at least 190° C and remaining at any temperature above the T_g of the polyester polymer on at least the surface of the polyester polymer until such time as the polyester polymer is introduced into the liquid medium. Keeping the liquid medium temperature at a temperature above the T_g of the polyester polymer ensures that the temperature in the globule will not drop below the T_g . By contrast, however, in the instant application, the polyester polymer is referred to as a solid even when subjected to 140 - 180° C liquid medium temperatures during crystallization, provided that the temperature on at least the surface of the polyester polymer upon introduction into the liquid medium at any designated liquid medium temperature was below the T_g of the polymer.

In the process of the invention the polyester polymer is introduced into the liquid medium as a solid and crystallized starting from the solid state or from the glassy state rather than introducing the polymer into the liquid medium in the molten state. See

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page 17, carry over to page 18 of the instant specification. Thus, regardless of the actual overlapping temperatures of the polymer in the liquid medium or the overlapping temperature ranges of the liquid medium itself while the polymers are in the pipe, in the copending application the polyester polymers are introduced into the pipe as molten polymers while in the instant application the polyester polymers are introduced into the pipe as solids. There is no suggestion in the claims of the copending application to introduce into a liquid medium a solid polyester polymer. For this reason, Applicants respectfully request withdrawal of the rejection of claims 65-77 under the judicially created doctrine of obviousness type double patenting.

Claims 65-73 and 75-77 stand rejected under 35 USC § 112, first paragraph, because the specification does not reasonably provide enablement for all polymers crystallized in a pipe. Applicants have amended claim 65 to specify that the solids are polyester polymers. Accordingly, withdrawal of the rejection under 35 USC § 112, first paragraph, is respectfully requested.

Claim 65 stands rejected under 35 USC § 112, second paragraph, because it refers to the T_g of the polyester, but no polyester was recited in claim 65. As amended, claim 65 now recites the presence of solid polyester polymer pellets. It was also noted in the rejection that various polyesters have various T_g 's, so the claimed T_g is indefinite. Applicants traverse this aspect of the rejection because the claim is not directed to specifying the T_g of a polyester polymer. Rather, the liquid medium temperature must be greater than the particular T_g of a polyester polymer, whatever that T_g may be. Since the T_g of a polyester polymer can be determined by conventional analytical techniques, the claim is definite. Accordingly, withdrawal of the rejection of claim 65 under 35 USC § 112, second paragraph, is respectfully requested.

Claims 69 and 74 also stand rejected under 35 USC § 112, second paragraph, because it was not clear whether pellets referred to in these claims are recited in base claim 65 and it was also not clear whether the "further" introduction of solid pellets with the specified degree of crystallinity was intended. In answer to the latter question, dependent claims 69 and 74, along with 70 and 72, as now amended by use of the word "said" refers back to the solid pellets set forth in claim 65. Further, the dependent claims call for the introduction of solid pellets into a pipe with a specified degree of crystallinity as set forth within each independent claim. The introduction of pellets with a

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specified degree of crystallinity into the pipe is supported by the specification at page 30, lines 15-17, which states "in a preferred embodiment, solid pellets having a degree of crystallinity at no more than 15%, or preferably no more than 10% crystallinity, and most preferably not more than 5% crystallinity, are introduced into the pipe." Thus, Applicants respectfully request withdrawal of the rejection of claims 69 and 74 in light of the amendments made to the claims, and the clarification given.

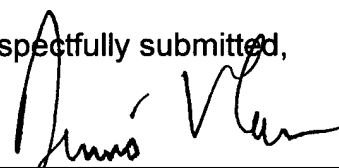
Claims 65-77 are indicated as allowable over the prior art of record.

Applicants further wish to point out that the Office has advanced no evidence in support of its allegation that crystallizing polyesters in a liquid medium above the melting point or the T_g is notoriously known in the art. Applicants respectfully disagree with the allegation. The Office may, within its discretion, advance such evidence to support this contention in the context of opening prosecution for the remainder of the claims in order to properly consider prior art evidence, if any, within the framework of the claimed invention.

The Examiner is invited to contact the undersigned with any further outstanding issues which are related to the further prosecution of this application and allowance of claims 65-77.

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Date

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